

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

LANDS – Hyderabad District – Shaikpet Village and Mandal – Representation of Sri P.Rama Kishan Rao S/o P.Venkateswar Rao for regularization of land an extent of 4.05 Acres in Sy. No. 129/99 (Old) New Sy. No. 346 at Shaikpet Village, Road No.10, Banjara Hills, Hyderabad – Rejection – Orders – Issued.

Revenue (Assignments.III) Department

G.O. Ms. No. 927

Dated 01.9.2009.
Read the following :-

- (1) Representation dated 14.12.2005 P.Rama Kishan Rao S/o P.Venkateswar Rao
- (2) W.P. No. 5384 of 2006 filed by Sri P.Rama Kishan Rao.
- (3) From the District Collector Hyderabad Letter No. LO1/2875/2006, dated 03.06.2009 addressed to Government.
- (4) Letter No. WP 5384/06/ESR/Rev.(A), dated 2.6.2009.
- (5) Letter No. D/A/1056/2006, dated 03.06.2009 of Tahsildar, Shaikpet addressed to District Collector.

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ORDER :-

In the reference 1st read above Sri P. Rama Kishan Rao has submitted that the land in Sy. No. 129/99 of Shaikpet village was Sarfekhas land and was managed by Sarfekhas Mubarak of the then Nizam Government. Sri Mirza Mohd. Baig, S/o Sri Meerza Kudrathulla Baig was allotted the land to an extent of 4.05 Acres in Sy. No. 129/99 on 10th aban 1340 Fasli on payment of dara and to that effect a Farman i.e. executive order was issued by the then District Collector, Atrah Balda to implement the names of the assignees including that of Sri Mirza Mohd. Baig. Subsequently Sri Meerza Mohd. Baig sold the above subject land to the him and two others by names Sri L.L. Reddy s/o Thimma Reddy and one Sri Ali Moinuddin, S/o M.A. Hussain for a valid consideration and executed a registered Sale Deed in their favour dated 23.9.1967 vide document No. 2525 of 1967 registered in the Office of the Sub-Registrar, Khairathabad and the possession was delivered to them since the along with other 2 joint purchasers are in the continuous possession and enjoyment. Sri P. Rama Kishan Rao, therefore, requested the Government to recommend their case to the three men Committee for regularization in the light of the judgment of the Hon'ble High Court passed in W.A. Nos. 859, 872 of 1991 and 118 of 1996.

2. Sri P.Rama Kishan Rao also filed a W.P. No.5384 of 2006 praying the Hon'ble High Court to direct the Government to place the representations dated 27.8.2005 and 14.12.2005 before the three men committee for regularization of an extent of Ac. 4.05 situated in (Old) Sy. No. 129/99 (New) Sy. No. 346 at Ward No.10, Block No.11 situated at Shaikpet Village, Banjara Hills, Hyderabad and consequently direct the Government to consider for the regularization of the said plot and issue appropriate orders forthwith.

3. After obtaining connected records from the District Collector, Hyderabad the issue was referred to Group of Ministers for consideration in its meeting held on 24.7.2009 in the Chambers of Hon'ble Minister for Forest and Chairman of the Group of Ministers.

4. The Group of Ministers during the course of meeting have observed that various individuals and societies are claiming land under the guise of (35) assignments said to have been made by Sarfekhas authorities. The Government in their Memo No.1834/Q2/79-4, Revenue (Q) Department dated 28-2-1981 directed the Collector to enquire into the claim of (35) assignments purported to have been made by the Sarfekhas authorities during 1340 Fasli (1930 AD) since different persons were claiming Government land.

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Notices were issued on 24-5-1981, 2-6-1981, 26-8-1981 and 27-8-1981 but the said notices could not be served on the concerned persons as their correct address were not available and as they were not residing in Shaikpet. Therefore the authorities were constrained to publish the said notice in Andhra Pradesh Gazette No.84 dated 9-9-1981 and also in local News papers namely in Enadu (Telugu) dated 3-9-1981 and in Deccan Chronicle (English) dated 2-9-1981 for wide publicity inviting the individuals to file claims/objections. Individual claims were put forth by the purported assignees/Legal heirs/Purchasers etc., before the Collector for taking up verification of their claims. The alleged files in which Sarfekhas assignments purported to have been made were not available in the office of the Tahsildar. But on information provided by the Commissioner of Land Revenue, the said files which were preserved in the State Archives which were obtained and they were found as irregularly maintained creating doubts about the veracity of its contents. The authorities decided to ascertain the genuineness of signatures of Sarfekhas authorities found in files obtained from State Archives by comparison with that of signatures of Sarfekhas authorities found in the original files maintained during that period. Hence the matter was referred to the Government Examiner of Questioned Documents vide Collectors letter No.F3/Spl.82 dated 24-4-1982. The Government Examiner of Questioned Documents through his Lr.No.AH/200/82 dated 29-5-1982 has informed that the signatures of Sarfekhas authorities found in files obtained from State Archives are forged and bogus.

5. After examination of documents a detailed report was submitted to the Government in file No.F4/3051/1981 dated 5-4-1983. The Commissioner of Land Revenue has also recommended for rejection of documents and the Government have accepted the recommendations and rejected the same vide G.O.Ms.No.942 Revenue (Q) Department dated 23-6-1983. The Sy.No.129/98 is non existing Survey number and it is never incorporated in Revenue Records at any point of time.

6. Aggrieved by the orders in G.O.Ms.No.942, Godavari Coop Housing Society, Radhika Coop Housing Society and Smt. Venkata Subbamma, Ch.Bhupal Goud have filed writ petitions in W.P.No.9414/1982, 9420/1982 and 15548/1987, challenging the orders of Government, which were allowed. Against the said judgment the Government has filed writ appeal in W.A.No.1118/96, 872/91 and 859/91. The Hon'ble Division Bench of High Court delivered judgment on 13-2-2001 allowing the W.As with observations that "as per the majority opinion, both the parties are directed to maintain status quo in respect of the lands in question till the controversy is resolved by a proper forum and also directed the Government to reconsider the issue and consider the feasibility of regularizing the lands in question to the respondents at a reasonable market rate, if necessary by inviting the representatives of the respondent societies for negotiations to arrive at the reasonable market value". The Government has preferred the S.L.P.No.10413 - 10415 of 2001 in Supreme Court of India against the judgment of Hon'ble High Court in Writ Appeals. The Supreme Court of India has confirmed the orders of the Division Bench.

7. The Group of Ministers have examined the request of the applicant in its meeting held on 24.7.2009 basing on the report of the Collector Hyderabad and concluded that the request of the applicant does not deserve consideration for issue of Regularization specifically on the following grounds.

- (i) There is no such Sy. No. 129/99 existing in Shaikpet Village as per the Revenue and Survey Records and the applicant is not in physical possession of land.
- (ii) The alleged (35) assignments purported to have been made by the Sarfekhas authorities in the year 1340 Fasli were proved as bogus by the Government Examiner for Questioned Documents.

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- (iii) Further there are no Government orders granting the ownership rights in favour of Meerza Mohd. Baig.
- (iv) The alleged sale transactions made over the land in non-existing survey number does not confer in any manner for any right or title on land.

8. The Group of Ministers accordingly recommended for rejection of the request of the applicants in respect of the land in question for regularization.

9. Government have examined the recommendations of the Group of Ministers and after careful examination approved the recommendations of the Group of Ministers for rejection of the request of the applicant and reject the request of the applicant for Regularization in respect of land admeasuring Ac. 4.05 gts in Sy. No. 129/99 (Old) New 346 in T.S. No. VVI Block No.H, Ward No.1007 of Shaikpet Village and Mandal, Hyderabad District.

10. The District Collector – Hyderabad is, requested to take action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration,
A.P., Hyderabad.
The Collector – Hyderabad.
The Applicants
(thro' Collector – Hyderabad)
SF / SC

/ Forwarded :: By Order /

SECTION OFFICER